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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

IVAN SIGMOND,

Defendant.

CASE NO. 1:20-CR-00160-ADA-BAM

STIPULATION TO CONTINUE STATUS
CONFERENCE AND EXCLUDE TIME PERIODS
UNDER THE SPEEDY TRIAL ACT; ORDER

DATE: November 8, 2023
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on November 8, 2023.
2. Pursuant to this Court's order of October 24, 2023, the parties hereby request that the Court vacate the status conference and set a trial date of March 12, 2024, at 8:30 a.m. It is further requested that the Court exclude time between November 8, 2023, and March 12, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The trial date has been cleared by U.S. District Judge Ana de Alba's deputy courtroom clerk, who has further requested the setting of a trial confirmation date on February 26, 2024, at 8:30.
4. The parties agree and stipulate, and request that the Court find the following:
 - a) The parties continue to conduct investigation and engage in plea discussions to effectuate a potential resolution. In particular, counsel for the defendant would like to explore his

1 sentencing options and arguments in more detail before committing to a change of plea.

2 However, in the event the matter is not resolved by means of a plea agreement, the parties will
3 need additional time to prepare for trial.

4 b) Counsel for defendant believes that failure to grant the exclusion of time from
5 November 8, 2023, to March 12, 2024, would deny him the reasonable time necessary for
6 effective preparation, taking into account the exercise of due diligence.

7 c) Based on the above-stated findings, the ends of justice served by continuing the
8 case for trial and excluding time, as requested, outweigh the interest of the public and the
9 defendant in a trial within the original date prescribed by the Speedy Trial Act.

10 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 *et seq.*, within which trial must commence, the time period of November 8, 2023, to March 12,
12 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
13 T4] because it results from the Court's finding that the ends of justice served by taking such
14 action outweigh the best interest of the public and the defendant in a speedy trial.

15 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
16 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
17 must commence.

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1 IT IS SO STIPULATED.

2 Dated: October 24, 2023

3 PHILLIP A. TALBERT
United States Attorney

4 /s/ KAREN A. ESCOBAR
5 KAREN A. ESCOBAR
Assistant United States Attorney

6 Dated: October 24, 2023

7 /s/ DAVID BALAKIAN
8 DAVID BALAKIAN Counsel
for Defendant IVAN SIGMOND

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10 **ORDER**

11 IT IS SO ORDERED that the status conference set for November 8, 2023, is vacated. A jury trial
12 is set for **March 12, 2024, at 8:30 a.m. before District Judge Ana de Alba**. Estimate time of trial is **1**
13 **week**. A trial confirmation is set for **February 26, 2024, at 8:30 a.m. before District Judge Ana de**
14 **Alba**.

15 Time shall be excluded from November 8, 2023, through March 12, 2024, pursuant to 18 United
16 States Code Section 3161(h)(7)(A), B(iv), to allow the parties to continue their plea discussions and
17 conduct further investigation. The Court finds that the ends of justice outweigh the interest of the
18 defendant and the public in a speedy trial.

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20 IT IS SO ORDERED.

21 Dated: **October 24, 2023**

22 /s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE